

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|--|---|------------------------------------|
| PATRICK S. BUTLER, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | CIVIL ACTION NO. 22-CV-1471 |
| | : | |
| CITY OF ALLENTOWN, <i>et al.</i>, | : | |
| Defendants. | : | |

ORDER

AND NOW, this 19th day of May, 2022, upon consideration of Patrick S. Butler's Motion to Proceed *In Forma Pauperis* (ECF No. 6), Prisoner Trust Fund Account Statement (ECF No. 7), *pro se* Complaint (ECF No. 2), and Motion to Appoint Counsel (ECF No. 5) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Patrick S. Butler, #171922, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lehigh County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Butler's inmate account; or (b) the average monthly balance in Butler's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Butler's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Butler's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Lehigh County Jail.
4. The Complaint is **DEEMED** filed.
5. Butler's Complaint is **DISMISSED** for the reasons stated in the Court's Memorandum as follows:
 - a. Butler's FTCA claims and his state law claims against all Defendants except for Djindjiev, Hodgskin, Webster, Donate, Russell, Commonwealth of Pennsylvania, PSP, Lehigh County, and Lehigh County District Attorney's Office, are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
 - b. The balance of Butler's claims are **DISMISSED WITH PREJUDICE**.
6. The Motion to Appoint Counsel is **DENIED**.
7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Juan R. Sánchez
JUAN R. SÁNCHEZ, C.J.